



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Tsukasa Kobayashi, et al.

**Examiner:** Bradford C. Pantuck

**Serial No:** 10/091,894

**Art Unit:** 3731

**Filed:** March 6, 2002

**Docket:** 15344

**For:** APPARATUS FOR LIGATING  
LIVING TISSUES

**Dated:** October 21, 2004

**Conf. No.:** 6289

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO SPECIES ELECTION**

Sir:

Pursuant to the election requirement imposed in the Official Action dated May 21, 2004, Applicants elect the claims of Species 9, i.e., Claims 1-5 for continued prosecution herein.

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 21, 2004.

Dated: October 21, 2004

  
Thomas Spinelli

Claims 1-23 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

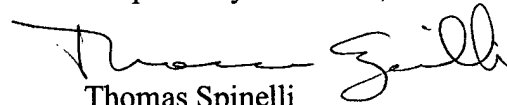
Species 1, characterized by Figures 1-5;  
Species 2, characterized by Figure 6;  
Species 3, characterized by Figures 7A-7D;  
Species 4, characterized by Figures 8, 9, 10 and 12;  
Species 5, characterized by Figure 11;  
Species 6, characterized by Figure 13A;  
Species 7, characterized by Figures 16A-16D;  
Species 8, characterized by Figures 17A-17D;  
Species 9, characterized by Figures 21A-21D;  
Species 10, characterized by Figures 22A-22D;  
Species 11, characterized by Figures 23A-23E;  
Species 12, characterized by Figures 24A-24D; and  
Species 13, characterized by Figures 25A-25D.

It is the Examiner's position that the species listed as Species 1-13 are patentably distinct from each other.

In response to the Examiner's requirement for species election, Applicants elect to prosecute the subject matter of Species 9, which is readable upon claims 1-5. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Spinelli", written in a cursive style.

Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
TS:cm